

REMARKS

Applicant traverses the rejections set forth in the Final Office Action¹, wherein the Examiner:

- (1) rejected claims 1-8, 10-23, and 26-32 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention;
- (2) rejected claims 1-4, 7-8, 10-11, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0102662 to Samsolovic et al. ("Samsolovic") in view of U.S. Patent No. 7,600,226 to Aiba et al ("Aiba"), and further in view of alleged Applicant's admitted prior art ("AAPA");
- (3) rejected claims 5-6 and 12-13 under 35 U.S.C. 103(a) as being unpatentable over Samsolovic in view of Aiba and AAPA, and further in view of U.S. Patent Application Publication No. 2005/0060361 to Chatrath ("Chatrath");
- (4) rejected claims 17-20, 23, 26-29 and 32 under 35 U.S.C. 103(a) as being unpatentable over Samsolovic in view of U.S. Patent Application Publication No. 2004/0123282 to Rao ("Rao"), and further in view of Aiba, and AAPA; and
- (5) rejected claims 21-22 and 30-31 under 35 U.S.C. 103(a) as being unpatentable over Samsolovic in view of Rao, and further in view of Aiba, AAPA, and Chatrath.

Claims 1-8, 10-23, and 26-32 are pending and under current examination. Based on the following remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Regarding claim rejection under 35 U.S.C. 112

Applicant traverses the rejection of claims 1-8, 10-23, and 26-32 under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In the Final Office Action, the Examiner asserted that based on the description of an open mobile alliance (OMA) device management (DM) process in paras. [0003]-[0013], "it is unclear how the DM server can be a person in a customer service center in order to maintain the device containing errors." Final Office Action at p. 2. The Examiner appears to have misinterpreted Applicant's claims and descriptions in the Specification. Paras. [0003]-[0013] describe a conventional OMA DM process, which "requires the user to detect the error actively and notify the operator of the error before the fault resolution assistance may be provided." Specification at para. [0011]. Drawbacks of the conventional OMA DM process is discussed, for example, in paragraphs [0012]-[0013]. In comparison, the present disclosure provides, among other things, an automated process that may not require the help of a person in the customer service centre. Descriptions of one exemplary embodiment, in which, the DM Server maintains the terminal device automatically following the OMA DM process may be found, for example, in paragraphs [0120]-[0121] of the Specification.

For reasons set forth above, Applicant respectfully requests reconsideration of the 35 U.S.C 112 rejection of claims 1-8, 10-23, and 26-32.

Regarding claim rejections under 35 U.S.C. 103(a)

A. Claims 1-4, 7-8, 10-11, and 14-16

Applicant traverses the rejection of claims 1-4, 7-8, 10-11, and 14-16 under 35 U.S.C.103(a) as being unpatentable over Samsolovic in view of Aiba and AAPA.

A *prima facie* case of obviousness has not been established with respect to independent claim 1. The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In particular, and contrary to the assertions of the Final Office Action, the Final Office Action has not properly determined the scope and content of the prior art. Samsolovic, Aiba, and AAPA, taken alone or in combination, do not teach or suggest at least, “otherwise reporting, by said DM Server, the terminal information to a maintenance unit,” as recited in claim 1. In the Final Office Action, the Examiner alleged that Samsolovic discloses the above-cited elements of claim 1. Final Office Action at pp. 4-5. For example, the Examiner corresponded Samsolovic’s “central server 34” and “updater 32” to the claimed “DM server” and “Maintenance Unit (MU),” respectively. *Id.* Applicant respectfully disagrees with the Examiner’s assertion. Samsolovic discloses “an updater 32 coupled to a client manager 34,” and “[t]he updater 32 manages communication between the client server 34 and the client.” Samsolovic at para. [0020]. For example, “the updater 32 checks for updates of various

files or components of the code base," "[i]f the updater 32 determines that updates are available to be downloaded to the client, then the downloads of the files or other components can be initiated" by the client server 34. *Id.* Samsolovic's "client server 34" merely **downloads** files or components **from** the "updater 34," but does not **report** any information **to** the "updater 34" (emphasis added). Therefore, Samsolovic fails to disclose or suggest "reporting, by said DM Server, the terminal information to a maintenance unit," as recited in claim 1.

Likewise, Aiba and the alleged AAPA also fail to teach or suggest the "otherwise reporting" element, and thus, do not cure the deficiencies of Samsolovic. For example, Aiba also discloses deciding if the printer driver can be updated, and downloading updates. See Aiba at col. 13, ll. 3-13. However, Aiba is silent about "otherwise reporting, by said DM Server, the terminal information to a maintenance unit," as recited in claim 1 (emphasis added). Therefore, Samsolovic, Aiba, and AAPA, either alone or in combination, do not teach or suggest each and every element of claim 1.

In view of the above, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and amended independent claim 1. Consequently, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art. Accordingly, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 1, and thus, the rejection of this claim under 35 U.S.C. § 103(a) should be withdrawn.

The Examiner rejected independent claims 8 and 15 for the same reasons set forth in connection with claim 1. Final Office Action at pp. 9-20. Independent claims 8 and

15, while of different scope as compared to claim 1, include recitations similar to those found in claim 1. For at least the same reasons set forth above in connection with claim 1, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of independent claims 8 and 15. Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection of independent claims 8 and 15.

Dependent claims 2-7, 10-14, and 16 depend from independent claims 1, 8, and 15, respectively. The dependent claims are allowable at least by virtue of their dependence on allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 2-7, 10-14, and 16.

B. Claims 5-6 and 12-13

Applicant respectfully traverses the rejection of claims 5-6 and 12-13 under 35 U.S.C. 103(a) as being unpatentable over Samsolovic in view of Aiba and AAPA, and further in view of Chatrath.

Dependent claims 5, 6, 12, and 13 depend from independent claims 1 and 8, respectively. As explained, Samsolovic, Aiba, and AAPA, either alone or in combination, do not teach or suggest at least the “otherwise reporting” element of claim 1. Furthermore, Chatrath, directed to a method for initiating device management between a management server and a client, does not cure the deficiencies of Samsolovic, Aiba, and AAPA, either. Therefore, a *prima facie* case of obviousness has not been established with respect to dependent claims 5, 6, 12, and 13. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 5, 6, 12, and 13.

C. Claims 17-20, 23, 26-29, and 32

Applicant respectfully traverses the rejection of claims 17-20, 23, 26-29, and 32 under 35 U.S.C. 103(a) as being unpatentable over Samsolovic in view of Rao, and further in view of Aiba, and AAPA.

Independent claims 17, 23, 26, and 32, while of different scope as compared to claim 1, include recitations similar to those found in claim 1. Therefore, for reasons similar to those explained in connection with claim 1, Samsolovic, Aiba, and AAPA, either alone or in combination, do not teach or suggest “otherwise, said management server sends error information of said terminal to a maintenance unit,” as recited in claim 17, and similarly recited in claims 23, 26, and 32. Rao, directed to a method for updating an electronic device having a non-volatile memory, which can update mobile handsets fault-tolerantly, does not cure the deficiencies of Samsolovic, Aiba, and AAPA. Therefore, a *prima facie* case of obviousness has not been established with respect to independent claims 17, 23, 26, and 32. Accordingly, Applicant requests reconsideration and withdrawal of the § 103(a) rejection of independent claims 17, 23, 26, and 32.

Dependent claims 18-20 and 27-29 depend from independent claims 17 and 26, respectively. The dependent claims are allowable at least by virtue of their dependence on allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 18-20 and 27-29.

D. claims 21-22 and 30-31

Applicant respectfully traverses the rejection of claims 21-22 and 30-31 under 35 U.S.C. 103(a) as being unpatentable over Samsolovic in view of Rao, and further in view of Aiba, AAPA, and Chatrath.

Dependent claims 21-22 and 30-31 depend from independent claims 17 and 26, respectively. As explained, Samsolovic, Rao, Aiba, and AAPA, either alone or in combination, do not teach or suggest at least that “otherwise said management server sends the error information of said terminal to said maintenance unit,” as recited in both claims 17 and 26. Furthermore, Chatrath, directed to a method for initiating device management between a management server and a client, does not cure the deficiencies of Samsolovic, Rao, Aiba, and AAPA, either. Therefore, a *prima facie* case of obviousness has not been established with respect to dependent claims 21-22 and 30-31. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 20-21 and 30-31.

Conclusion

In view of the foregoing, Applicant requests reconsideration of the application and withdrawal of the rejection. Pending claims 1-8, 10-23, and 26-32 are in condition for allowance. Accordingly, Applicant requests a favorable action.

If there are any remaining issues or misunderstandings, Applicant requests the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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